

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIFER DARMINIO,
Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC.; EQUIFAX INFORMATION SERVICES,
LLC; and AMERICAN EXPRESS,
Defendants.
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ORDER

22 CV 9434 (VB)

On April 10, 2023, plaintiff filed a motion for leave to file an amended complaint. (Doc. #49). Pursuant to Local Rule 6.1(b), defendants' deadline to respond to the motion was April 24, 2023. Defendants did not file a response.

Pursuant to Fed. R. Civ. P. 15(a)(2), the Court should "freely give leave" to amend a complaint "when justice so requires." The Supreme Court has stated that "[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be 'freely given.'" Foman v. Davis, 371 U.S. 178, 182 (1962).

Accordingly, is HEREBY ORDERED:

1. In light of Fed. R. Civ. P. 15(a), the Court GRANTS plaintiff's motion for leave to file an amended complaint as unopposed. (Doc. #49).
2. By April 26, 2023, plaintiff shall separately file her amended complaint on the docket.

3. By May 17, 2023, defendants Experian Information Solutions, Inc.; Equifax Information Services, LLC; and American Express shall answer, move, or otherwise respond to the amended complaint.

4. In light of the amended complaint, American Express's pending motion to compel arbitration is DENIED WITHOUT PREJUDICE as moot. (Doc. #41).

5. The Clerk is directed to terminate the motions. (Docs. ##41, 49).

Dated: April 25, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti, U.S.D.J